

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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AGUSTINA BUENO

**Case No.: 1:16-cv-04737-WFK-
VMS**

Plaintiff,

-against-

**MEL S. HARRIS AND ASSOCIATES, LLC
LR CREDIT 18, LLC
MEL S. HARRIS
TODD FABACHER
MICHAEL YOUNG
DAVID WALDMAN
SAMSERV, INC
HUSAM AL-ATRASH
WILLIAM MLOTOK**

Defendants.

-----X
**TO: RUBY J. KRAJICK
CLERK OF COURT
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT AS TO DEFENDANT HUSAM
AL-ATRASH**

Please enter the default of Defendant Husam Al-Atrash, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, for failure to plead or otherwise defend this action as fully appears from the court file herein and from the attached affirmation of Ahmad Keshavarz, Esq.

Dated: Brooklyn, New York
August 15, 2017

Respectfully submitted,

/s/

Ahmad Keshavarz
THE LAW OFFICES OF AHMAD KESHAVARZ
16 Court St., 26th Floor

Brooklyn, NY 11241-1026
Phone: (718) 522-7900
Fax: (877) 496-7809 (toll-free)
Email: ahmad@NewYorkConsumerAttorney.com

CERTIFICATE OF SERVICE

I hereby certify that on this day I served the above referenced document to the parties listed below via ECF:

Defendant LR Credit 13, LLC
By and through its attorneys of record
Scott Sonny Balber
Herbert Smith Freehills NY LLP
450 Lexington Ave, 14th Floor
New York, NY 10017
(917) 542-7600
Fax: (917) 542-7601
Email: scott.balber@hsf.com

Defendants Samserv, Inc. and William Mlotok
By and through their attorneys of record
Jeffrey S. Lichtman
O'hare Parnagian LLP
82 Wall Street, Suite 300
New York, NY 10005
(212)-425-1401
Fax: (212)-425-1425
Email: jlichtman@ohareparnagian.com

Date: August 15, 2017
Brooklyn, NY

/s/
Ahmad Keshavarz
One of Plaintiff's Attorneys

**UNITED STATES DISTRICT COURT
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SAMSERV, INC
HUSAM AL-ATRASH
WILLIAM MLOTOK**

**DECLARATION OF AHMAD
KESHAVARZ IN SUPPORT OF
PLAINTIFF'S REQUEST FOR
DEFAULT AS TO DEFENDANT
HUSAM AL-ATRASH**

Defendants.

-----X
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, Ahmad Keshavarz, declare under penalty of perjury, as provided by the laws of the United States, 28 U.S.C. § 1746, that the following statements within my personal knowledge are true and correct:

1. I am a member of the Bar of this Court and am associated with The Law Offices of Ahmad Keshavarz, counsel for Plaintiff in the above-captioned case. As such, I am familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Fed. R. Civ. P. 55(a) and Local Civil Rule 55.1 of the Eastern District of New York, in support of Plaintiff's application for the entry of default against Defendant John Andino.

3. As to Defendant Husam Al-Atrash, this is an action to recover damages for violations of the Fair Debt Collection Practices Act and New York General Business Law § 349.

4. Jurisdiction of the subject matter of this action is based on federal question jurisdiction under the Fair Debt Collections Practices Act. The Court has supplemental jurisdiction under 28 U.S.C. §1367 over Plaintiff's state law claims because said claims are so related to the claims within the Court's original jurisdiction that they form part of the same case or controversy under Article 3 of the United States Constitution.

5. This action was commenced on August 24, 2016 by the filing of the summons and original complaint.

6. A copy of the summons and complaint was served on Defendant Husam Al-Atrash by personally delivering and leaving the same with a person of suitable age and discretion at Husam Al-Atrash's actual place of residence and mailing the summons to him at his residence within twenty days pursuant to FRCP 4(e)(1) and CPLR § 308(2).

7. Attached and incorporated by reference is [DE 12], the affidavit of service attesting as to how service was perfected upon Defendant Husam Al-Atrash, filed on September 23, 2016.

8. Service of a summons in this manner is deemed complete ten days after the filing of proof of service. Therefore, service on John Andino was deemed complete in this case on October 3, 2016.

9. Defendants have 21 days from the time service was complete to serve Plaintiff with an answer or a motion under Rule 12 of the Federal Rules of Civil Procedure.

10. Defendant Husam Al-Atrash's answer was due October 24, 2016.

11. However, Defendant Husam Al-Atrash has not answered the complaint or otherwise defended this action and the time for the Defendant to answer the complaint or otherwise defend this action has expired.

WHEREFORE, Plaintiff requests the entry of Default as to Defendant John Andino.

Dated: Brooklyn, New York

August 15, 2017

x

Affiant

Ahmad Keshavarz, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on this day I served the above referenced document to the parties listed below via ECF:

Defendant LR Credit 13, LLC
By and through its attorneys of record
Scott Sonny Balber

Herbert Smith Freehills NY LLP
450 Lexington Ave, 14th Floor
New York, NY 10017
(917) 542-7600
Fax: (917) 542-7601
Email: scott.balber@hsf.com

Defendants Samserv, Inc. and William Mlotok
By and through their attorneys of record
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Fax: (212)-425-1425
Email: jlichtman@ohareparnagian.com

Date: August 15, 2017
Brooklyn, NY

/s/
Ahmad Keshavarz
One of Plaintiff's Attorneys